

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
NEW'S Wilkens Ave., opposite Old Maiden Choice Lane "Charlestown"  
1st Election District  
1st Councilmanic District  
St. Charles Associates, Ltd.  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE # 91-85-SPHA  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Hearing, approval of an amendment, as may be required, of previous plans as submitted in zoning cases 83-91A, 85-69A, 85-152X and 88-120XSPHA; also, in accordance with the Petition for Zoning Variance to permit maximum building width and length of 1600 ft. and 1524 ft. and height variance of 72 ft. for roof and 85 ft. for clock-tower; a Petition for Zoning Variance from Section 1801.2.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit maximum building width and length of 1525 ft. and 1600 ft. +/-, respectively, in lieu of previously granted 1500 ft. and 1450 ft. (case 88-120) and in lieu of maximum permitted 300 ft. building length. Also, a variance from Section 1802.2.A to permit maximum building heights of 72 ft. in lieu of 60 ft. and to permit a clock-tower of 85 ft., as more particularly described on Petitioner's Exhibit 1.

The Petitioner, St. Charles Associates, Ltd., by Kevin Glover, Director of Development, appeared, testified and was represented by J. Carroll Holzer, Esquire. Appearing on behalf of the Petition was Kevin Bright, Professional Engineer. There were no Protestants.

Testimony indicated that the subject property known as "Charlestown", is located on Old Maiden Choice Lane and is zoned D.R.5.5, D.R.10.5, D.R.16 and D.R.0-2.

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Date \_\_\_\_\_  
By \_\_\_\_\_

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

Proffered testimony indicated that Petitioner is proposing the construction and integration of additional buildings to create and maintain weather-proof and safe access for all residents to central facilities, such as health care, personal care, and etc. The aforementioned requested variances from building width and length are required to facilitate Petitioner's proposal. The Petitioner is also requesting a zoning variance from Section 1802.2.A to accommodate the proposed clock-tower which is perched atop an elevator tower. The testimony and evidence already demonstrated that Petitioner's request, if granted, will promote safety as well as preserve existing mature trees located on the site.

The Petitioner is also requesting, pursuant to Petition for Special Hearing for approval of the necessary amendments to the previous development plans to reflect any variance relief that may be granted, pursuant to this Order.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the Petitions for Special Hearing and Zoning Variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petitions for Zoning Variance Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 18th day of October, 1990 that, pursuant to Petition for Zoning

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Variance from Section 1801.2.B.2 of the B.C.Z.R. to permit maximum building width and length of 1525 ft. and 1600 ft. +/-, respectively, in lieu of previously granted 1500 ft. and 1450 ft. (per case 88-120-SPHA), in lieu of maximum permitted 300 ft. building length, and a variance from Section 1802.2.A to permit maximum building height of 72 feet in lieu of 60 ft. and to permit a clock-tower of 85 ft., in accordance with Petitioner's Exhibit No. 1 is hereby GRANTED; and,

IT IS FURTHER ORDERED that, pursuant to Petition for Special Hearing, for approval of an amendment of the previous site plans in zoning case 83-91A, 85-69A, 85-152X and 88-120-SPHA, is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:mmm  
cc: Peoples Counsel

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-85-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.801.2.B.2 of the B.C.Z.R. to permit maximum building width and length of 1525' +/- 1600' +/-, respectively, in lieu of previously granted 1500' and 1450'. (per Case 88-120), in lieu of maximum permitted 300' building length. Also, variance from 1.802.2.A to permit maximum building height of 72' in lieu of 60' and to permit a clocktower of 85'. (per Case 88-120).

The construction and integration of additional buildings to the original building group is a logical extension of the health care provider's responsibility to maintain covered, weatherproof health care for all residents to central facilities such as dining, health care, personal care, etc. and providers for the health, safety and well being of residents.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
N/A  
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner: J. Carroll Holzer  
Holzer, Maher & Demillo  
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 825-6960

Legal Owner(s):  
St. Charles Associates, Ltd.  
(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Robert F. Bradley  
Morris & Ritchie Associates  
Name

Address

City and State

Attorney's Telephone No.: 821-1690

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 22 day

of 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23 day of Oct, 1990, at 11:30 o'clock

A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)

ORDER RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

#### PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-85-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment, as may be required, of previous plans as submitted in Zoning Cases 83-91A; 85-69A; 85-152X; and 88-120XSPHA; also, in accordance with the Petition for Variance to permit maximum building width and length of 1600' +/- 1524' and height variance of 72' for roof and 85' for clocktower. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A  
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Holzer, Maher & Demillo  
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 825-6960

Legal Owner(s):

St. Charles Associates, Ltd.  
(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Robert F. Bradley  
Morris & Ritchie Associates  
Name

Address

City and State

Attorney's Telephone No.: 821-1690

Address

City and State

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A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

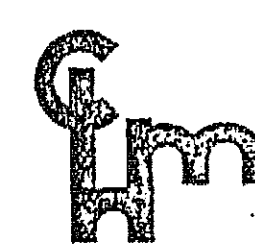
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Date \_\_\_\_\_  
By \_\_\_\_\_

JUL 27 '90 10:35

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c.h. miller & associates, inc.  
land surveying services  
850 Ritchie Highway, Monumental Title Building  
Glenview Park, Maryland 21146 Phone: (301) 941-2727  
custom plans office  
P.O. Box 417  
Silver Spring, Maryland 21066 Phone: (301) 643-3612

OUTLINE DESCRIPTION  
OF A PARCEL OF LAND  
NOW OR FORMALLY OWNED AND/OR OCCUPIED BY  
ST. CHARLES COLLEGE  
CONTAINING 105.653 ACRES

All that tract or parcel of land situate in the First Election District of Baltimore County, Maryland and a small portion being within the City of Baltimore and is further bounded and described as follows:

BEGINNING for the same at a point in the northerly right-of-way line of Maiden Choice Lane, 33 foot wide at its point of intersection with the southerly line of a parcel of land conveyed to the Rev. Michael J. Dudick as recorded among the Land Records of Baltimore County in Liber 5215 at folio 445, thence leaving the right-of-way line of Maiden Choice Lane and binding 6 courses of property described in a conveyance to the Rev. Dudick as aforesaid and referring the courses of this description to the Maryland State Grid Meridian,

- 1) North 55°15'31" East, 127.43 feet to a point
- 2) South 71°38'12" East, 109.98 feet to a point
- 3) North 40°07'00" East, 58.00 feet to a point
- 4) North 49°53'00" West, 177.00 feet to a point
- 5) North 40°07'00" East, 122.00 feet to a point
- 6) North 49°53'00" West, 230.00 feet to a point in the southerly line of a parcel of land conveyed to the Little Sisters of the Poor as recorded among the Land Records of Baltimore County, Maryland in Liber 4692 at folio 47, thence binding the southerly line of land conveyed to the Little Sisters of the Poor as aforesaid,

7) North 40°07'00" East, 150.00 feet to a point, thence binding the westerly line of a parcel of land conveyed to the Little Sisters of the Poor as recorded among the Land Records of Baltimore County, Maryland in Liber 5245 at folio 503

8) South 49°53'00" East, 250.00 feet to a point, thence binding the southerly line of land of the Little Sisters of the Poor as aforesaid,

9) North 40°07'00" East, 300.00 feet to a point, thence binding the east line of land of the Little Sisters of the Poor as aforesaid,

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

October 19, 1990



J. Carroll Holzer, Esquire  
Holzer, Maher and Demillo  
Suite 105, 305 W. Chesapeake Avenue  
Towson, Maryland 21285-5517

RE: Petition for Special Hearing  
St. Charles Associates, Ltd., Petitioner  
Case #91-85-SPHA

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Zoning Variance and Special Hearing have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmm  
att.  
cc: Peoples Counsel

JUL 27 '90 10:35

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10) North 49°53'00" East, 250.00 feet to a point in the south line of a parcel of land conveyed to the Little Sisters of the Poor as formally referred to being recorded in Liber 4692 at folio 47, thence binding the south line of land of the Little Sisters of the Poor

11) North 40°07'00" East, 626.16 feet to a point in the southerly line of a parcel of land formally occupied by Catonsville Short Line Railroad and reputedly conveyed to Jack Chertkof thence binding said southerly right-of-way line the following 36 courses

- 1) North 74°27'17" East, 35.69 feet to a point
- 2) North 73°28'14" East, 20.69 feet to a point
- 3) North 71°37'40" East, 40.01 feet to a point
- 4) North 67°46'26" East, 100.40 feet to a point
- 5) North 60°02'30" East, 100.78 feet to a point
- 6) North 78°30'23" East, 47.22 feet to a point
- 7) North 85°52'47" East, 54.39 feet to a point
- 8) North 87°06'41" East, 17.54 feet to a point
- 9) North 78°16'33" East, 82.73 feet to a point
- 10) North 46°35'25" East, 54.02 feet to a point
- 11) North 69°50'59" East, 24.30 feet to a point
- 12) North 76°19'12" East, 24.19 feet to a point
- 13) South 86°44'03" East, 49.85 feet to a point
- 14) South 81°29'37" East, 50.16 feet to a point
- 15) South 78°45'11" East, 16.05 feet to a point
- 16) North 70°21'08" East, 82.03 feet to a point
- 17) North 74°15'44" East, 98.99 feet to a point
- 18) North 89°30'42" East, 97.37 feet to a point
- 19) South 82°29'41" East, 97.38 feet to a point
- 20) South 82°53'59" East, 48.62 feet to a point
- 21) South 82°53'43" East, 48.75 feet to a point
- 22) South 69°45'59" East, 49.07 feet to a point
- 23) South 61°52'43" East, 49.73 feet to a point
- 24) South 57°39'51" East, 11.03 feet to a point
- 25) South 79°01'32" East, 24.11 feet to a point
- 26) South 83°23'47" East, 51.65 feet to a point
- 27) South 68°08'35" East, 41.48 feet to a point

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39) South 80°06'50" East, 70.86 feet to a point  
40) South 83°14'33" East, 22.50 feet to a point  
41) South 48°51'17" East, 30.27 feet to a point  
42) South 48°11'05" East, 53.93 feet to a point  
43) South 69°23'00" East, 35.02 feet to a point  
44) South 80°11'16" East, 65.81 feet to a point  
45) South 74°57'34" East, 100.22 feet to a point  
46) South 77°09'45" East, 80.64 feet to a point  
47) South 69°04'16" East, 7.19 feet to a point in the west line of a parcel of land known as Kensington Subdivision as shown on a plat recorded in plat Book 8 at folio 46 thence binding the west line of the Kensington Subdivision as aforesaid

48) South 15°51'57" East, 1233.85 feet to a point thence leaving the west line of the Kensington Subdivision and binding the northerly line of a parcel of land conveyed to Rev. Keough as recorded among the Land Records of Baltimore County, Maryland in Liber 2608 at folio 287 thence binding the north line of land of Keough

49) South 66°52'10" West, 772.11 feet to a point thence binding the west line of land of Keough as aforesaid

50) South 23°07'50" East, 806.40 feet to a point in the northerly right-of-way line of Wilkens Avenue also known as State Road - Maryland Route 372 thence binding the northerly right-of-way line of Wilkens Avenue

51) South 67°55'38" West, 278.55 feet to a point of intersection of the northerly line of Wilkens Avenue with the easterly line of a parcel of land known as Wilkens Beltway Plaza Shopping Center, thence leaving the right-of-way line of Wilkens Avenue and binding the easterly line of the Wilkens Beltway Plaza

52) North 23°33'08" West, 645.64 feet to a point thence binding the northerly line of land of the Wilkens Beltway Plaza

53) South 67°52'16" West, 1021.83 feet to a point in the northeasterly line of Maiden Choice Lane, 33 feet wide thence binding the northeasterly right-of-way line of Maiden Choice Lane the following 5 courses to the point and place of beginning

54) North 46°42'54" West, 217.38 feet to a point

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55) North 4°02'31" West, 140.57 feet to a point  
56) North 4°12'09" West, 159.92 feet to a point  
57) North 40°10'41" West, 498.66 feet to a point  
58) North 47°48'39" West, 305.56 feet to the point and place of beginning and containing an area of 105.6532 acres of land according to a survey prepared by C. H. Miller and Associates, Inc. and dated April, 1980.

BEING a part of that same land conveyed to the Associate Professors of St. Mary's seminary in Baltimore, Maryland by Alan P. Smith, et al. As recorded in Liber 147 at folio 5 also being a part of that parcel of land conveyed to the Associate Professors of St. Mary's seminary in Baltimore, Maryland by Robert L. Gill, Trustee as recorded in Liber 448 at folio 288, saving and excepting from the above described parcel of land the following described parcels:

1) Being the Chapel site. Beginning for the same at a point located North 67°46'19" East, at a distance of 174.14 feet from the end of the third course of the above described parcel, thence leaving said point of beginning and running for the outline of the parcel herein accepted.

1. North 38°59'53" East, 128.08 feet to a point  
2. South 50°44'32" East, 218.60 feet to a point  
3. South 39°15'17" West, 107.86 feet to a point, thence running along a curve deflecting to the left along the outline of a drive-way

4. 48.58 feet to a point, said curve being subtended by a cord of North 74°52'37" West, 45.65 feet

5. North 51°14'48" West, 176.37 feet to the point and place of beginning and containing an area of 0.6232 acres of land and being a part of that same tract or parcel of land conveyed by Alan P. Smith, et al., Trustee to the Associate Professors of St. Mary's Seminary in Baltimore, Maryland by a deed recorded in Liber 147 at folio 5. Also saving and excepting therefrom the parcel known as the cemetery.

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BEGINNING for the same at a point located North 42°06'31" West, 1,123.92 feet from the end of the 49th course described in the whole tract, thence leaving said point of beginning and running for the outline of the cemetery parcel.

1. North 67°34'25" West, 98.19 feet  
2. North 61°57'40" West, 99.99 feet  
3. North 62°12'08" East, 218.29 feet  
4. South 72°02'22" East, 61.13 feet  
5. South 63°29'04" East, 48.54 feet  
6. South 37°05'38" West, 51.15 feet  
7. South 43°29'33" West, 51.07 feet  
8. South 46°45'22" West, 60.07 feet to the point and place of beginning and containing an area of 0.5550 acres of land and being a part of that same tract of parcel of land conveyed by Alan P. Smith, et al., Trustees, to the Associate Professors of St. Mary's Seminary in Baltimore, Maryland by a deed recorded among the land records in Liber 147 at folio 5. Also saving and excepting that parcel of land conveyed to Kensington Associates.

BEGINNING for the same at a point in the northerly right-of-way line of Wilkins Avenue at the end of the 50th course as described in the outline of the whole tract, thence leaving said point of beginning and binding the northerly right-of-way line of Wilkins Avenue.

1. South 67°55'38" West, 278.55 feet, thence leaving the right-of-way line of Wilkins Avenue and binding the northerly line of land occupied by the Wilkins Beltway Shopping Center as shown on a plat recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. Liber 46 at folio 65.

2. North 23°33'08" West, 130.39 feet to a point on the eastern most side of Elm Ridge Avenue thence binding on the future extension of said Elm Ridge Avenue along a curve deflecting to the right

3. 49.94 feet said curve having a radius of 170.00 feet and being subtended by a cord of North 14°30'43" East, 49.76 feet thence leaving said curve and running

4. North 22°55'38" East, 69.62 feet to a point thence leaving the easterly most side of Elm Ridge Avenue.

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5. North 88°19'27" East, 213.64 feet to a point on the 50th course of the above described parcel, thence binding the aforesaid 50th course

6. South 23°07'50" East, 145.00 feet to the point and place of beginning and containing an area of 1.161 acres of land and being a part of that same parcel of land as conveyed by Robert L. Gill, Trustee to the Associate Professors of St. Mary's Seminary in Baltimore, Maryland as recorded among the Land Records of Baltimore County in Liber 448 at folio 288.

CHM/leg  
June 6, 1983  
W.O. #82-407

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91-85-SPHA

THIS DEED, Made this 13th day of October 1983, by and between THE MOST REVEREND MICHAEL J. DUDICK, Bishop of the Eparchy of Passaic, New Jersey (a religious, non-profit corporation formed under the laws of New Jersey), and his duly elected or appointed successors in office, Party of the first part, Grantor, and ST. CHARLES ASSOCIATES, LTD., a Florida limited partnership, party of the second part, Grantee.

WITNESSETH: That in consideration of the sum of \$22,500.00 and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns, in fee simple, all that property situate in the First Election District of Baltimore County, Maryland, according to a survey prepared by George William Stephens, Jr., & Associates, Inc., Engineers, dated July 19, 1971 and described as follows, that is to say:

BEGINNING FOR THE SAME at a concrete monument found on the northeast side of Maiden Choice Lane at the end of the last or south 40 degrees 07 minutes 00 seconds west 1376.37 foot line of that parcel of land conveyed by The Trustees of Saint Charles College to The Little Sisters of the Poor by deed dated November 1, 1966 and recorded among the Land Records of Baltimore County, Maryland in Liber 076 folio 047 and running thence binding reversely on part of said line and also binding on part of the fourth or north 42 degrees east one hundred and three perch line of the first parcel of land conveyed by The Trustees of Saint Mary's Seminary in Baltimore City to The Trustees of Saint Charles College by deed dated May 13, 1912 and recorded among the Land Records of Baltimore County, Maryland in Liber WPC 392 folio 455, as now surveyed, north 40 degrees 07 minutes 00 seconds east 330.00 feet; thence for lines of division six following courses and distances, viz: first south 49 degrees 53 minutes 00 seconds east 230.00 feet, second south 49 degrees 53 minutes 00 seconds west 122.00 feet, third south 49 degrees 53 minutes 00 seconds east 177.00 feet, fourth south 40 degrees 07 minutes 00 seconds west 58.00 feet, fifth north 71 degrees 15 minutes 12 seconds west 109.88 feet and sixth south 55 degrees 15 minutes 31 seconds west 127.41 feet to the northeast side of Maiden Choice Lane, thence binding on the northeast side of Maiden Choice Lane north 46 degrees 59 minutes 21 seconds west 272.00 feet to the point of beginning. Containing 2.290 acres of land, more or less.

BEING the same property described in a Deed dated August 27, 1971 and recorded among the Land Records of Baltimore County, Maryland in Liber 5215 folio 445 from Saint Charles College, a body corporate of the State of Maryland, to The Most Reverend Michael J. Dudick, Bishop of the Eparchy of Passaic, New Jersey (a religious, non-profit corporation formed under the laws of New Jersey), and his duly elected or appointed successors in office, the within Grantor, in fee simple.

SUBJECT to three easements each having a width of 10 feet, the centerlines of each described as follows viz: Beginning for the first at a point on the last or north 46 degrees 59 minutes 21 seconds west 272.00 foot line of the herein described 2.290 acres more or less parcel, said point being located south 46 degrees 59 minutes 21 seconds east 13.73 feet from the point of beginning and running through said 2.290 acres at the end of said last line and running through said 2.290 acres more or less parcel the two following courses viz, first north 41 degrees 43 minutes 13 seconds east 25.32 feet and second north 68 degrees 02 minutes 17 seconds east 345.61 feet to intersect the foot line of said parcel 176.26 feet from the beginning thence, being now and to be used for underground water service conduits.

Law Office of  
J. Elmer Weathers  
Towson, Maryland

RECEIVED BY REGISTER  
NOT RECORDED  
DATE 10/13/83  
SIGNATURE [Signature]

8 8555-360038 2232A

MORRIS & RITCHIE ASSOCIATES, INC.  
ENGINEERS PLANNERS SURVEYORS  
AND LANDSCAPE ARCHITECTS



May 15, 1980

91-85-SPHA

4.052 Acre Parcel of Land Surveyed for St. Charles Associates Ltd., Located off Maiden's Choice Lane, First Election District, Baltimore County, Maryland.

BEGINNING for the same at the end of the 47th or South 69° 04' 16" East 7.19 foot line of that tract or parcel of land conveyed by and described in a deed from St. Mary's Seminary and University to St. Charles Associates Ltd., dated June 10, 1983, and recorded among the Land Records of Baltimore County in Liber 6540, Folio 1, said point of beginning being in the west line of the parcel of land known as Kensington Subdivision as shown on the plat recorded in Plat Book 8 at Folio 46, running thence leaving Kensington Subdivision binding on the northerly outline of the Lands of St. Charles Associates Ltd., and binding reversely on the 47th through 12th lines of the aforesaid conveyance to St. Charles Associates Ltd., thirty-six courses, viz:

1. North 69° 04' 16" West 7.19 feet
2. North 77° 09' 45" West 80.64 feet
3. North 74° 57' 34" West 100.22 feet
4. North 80° 11' 16" West 65.81 feet
5. North 69° 06' 55" West 34.77 feet
6. North 49° 26' 14" West 54.11 feet
7. North 48° 51' 17" West 30.27 feet
8. North 63° 14' 33" West 22.50 feet
9. North 80° 06' 34" West 70.86 feet
10. North 68° 08' 35" West 41.48 feet
11. North 83° 23' 47" West 51.65 feet
12. North 79° 01' 32" West 24.11 feet

136 N. MAIN STREET, SUITE 200  
BEL AIR, MARYLAND 21214  
(301) 478-1500 (301) 682-7565  
FAX (301) 879-6200

808-3 BOSLEY AVENUE  
TOWSON, MARYLAND 21204  
(301) 821-1892  
FAX (301) 821-1748

4.052 Acre Parcel  
May 15, 1980  
Page 2

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13. North 58° 21' 48" West 10.57 feet
14. North 61° 41' 35" West 50.13 feet
15. North 69° 45' 59" West 49.07 feet
16. North 82° 53' 43" West 48.75 feet
17. North 82° 53' 55" West 48.82 feet
18. North 82° 29' 41" West 57.38 feet
19. South 89° 30' 42" West 97.37 feet
20. South 74° 15' 44" West 98.99 feet
21. South 70° 21' 08" West 62.03 feet
22. South 78° 45' 11" West 16.05 feet
23. North 81° 29' 37" West 50.16 feet
24. North 86° 44' 03" West 49.85 feet
25. South 76° 19' 11" West 24.19 feet
26. South 69° 50' 59" West 24.30 feet
27. South 46° 35' 25" West 54.02 feet
28. South 78° 16' 33" West 62.73 feet
29. South 67° 23' 44" West 17.48 feet
30. South 65° 47' 23" West 54.45 feet
31. South 78° 30' 23" West 47.22 feet
32. South 80° 02' 29" West 100.78 feet
33. South 67° 46' 26" West 100.40 feet
34. South 71° 37' 40" West 40.01 feet

4.052 Acre Parcel  
May 15, 1980  
Page 3

91-85-SPHA

35. South 73° 28' 14" West 20.69 feet, and
36. South 74° 27' 17" West 35.69 feet.

Thence leaving the Lands of St. Charles Associates Ltd., crossing the right-of-way of the former Catonsville Short Line Railroad, North 40° 07' 00" East 151.39 feet to a point on the northerly right-of-way line of the Catonsville Short Line Railroad aforesaid thence binding on said northerly right-of-way line and on the outline of the Lands of Baltimore County as described in Liber 6298, Folio 564, thirty-two courses, viz:

37. North 73° 43' 08" East 69.12 feet
38. North 59° 31' 49" East 102.80 feet
39. North 72° 40' 22" East 47.00 feet
40. North 78° 47' 32" East 53.39 feet
41. North 80° 46' 57" East 17.06 feet
42. North 81° 37' 31" East 84.07 feet
43. North 81° 22' 28" East 51.77 feet
44. North 73° 32' 31" East 25.67 feet
45. North 75° 12' 43" East 25.67 feet
46. North 64° 38' 47" East 53.04 feet
47. North 57° 12' 55" East 56.67 feet
48. North 64° 43' 48" East 17.58 feet
49. South 79° 26' 19" East 91.80 feet
50. South 87° 04' 59" East 103.69 feet
51. North 87° 31' 24" East 103.29 feet
52. South 83° 14' 54" East 103.23 feet

91-85-SPHA

CONTAINING 4.052 acres, more or less.

receipt  
№ 3074

District 1st Date of Posting Aug 20 1890  
 Posted for: James William McManis  
 Petitioner: John McManis, John McManis, John McManis  
 Location of property: Lot 10, 11th St. & 12th St. N. W. 1st  
Sec. 10, T. 10 N. R. 10 E. S. 10 E.  
 Location of Signs: Post and 12th St. N. W. 1st  
Sec. 10, T. 10 N. R. 10 E. S. 10 E.  
 Remarks:  
 Posted by J. W. McManis Date of return Aug 20 1890  
 Number of Signs: 3 Signature

### CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN

S. Zehe Oberlin

\$ 94.66

\$ 94.00

419

### Cashier Validation

Petitioner: St. Charles Associates, et al  
Petitioner's Attorney: J. Carroll Holzer

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: September 25, 1990  
Zoning Commissioner

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: St. Charles Associates, Ltd., Item No. 43

The Petitioner requests a Variance to permit a maximum building width and length of approximately 1,525 and 1,600 ft., respectively; and a Variance to permit a maximum building height of 72 ft.; and permit a clock tower of 85 ft.

In reference to this request, staff offers the following comments:

- The overall Charlestowne project received CRG approval on June 17, 1987.
- The site plan accompanying the Petitioner's request provides an extensive zoning history of the property.
- Staff questions whether consideration has been given to existing viewshed enjoyed by the current residents of building 12 and 13.

Should the Petitioner's request be granted, staff recommends the following conditions:

- The Petitioner shall dedicate to the county a portion of the property along the Catonsville Shortline railway line. The area would become part of the overall greenway system, as adopted in the 1989-2000 Baltimore County Master Plan.
- The dedication of the property shall be recorded in the Office of Land Records of Baltimore County.

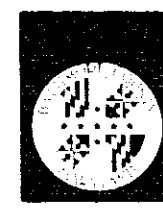
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
ITEM43/2AC1

RECEIVED  
10/4/90

Baltimore County  
Fire Department  
700 East Popple Road, Suite 901  
Towson, Maryland 21204-3899  
(410) 581-6000  
Fax: (410) 581-6000

August 5, 1990



Dennis F. Harrison  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ST. CHARLES ASSOCIATES, LTD.  
Location: 700 E. WILKINS AVENUE  
Item No.: 43 Zoning Agency: AUGUST 23, 1990

Centerline:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWED: *Jeffrey Long* 8-4-90 P. 101 Approved: *Jeffrey Long* 8-4-90 P. 101  
Planning Section Fire Prevention Bureau  
Special Inspection Division

SE/REH

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 43  
PROPERTY OWNER:  
LOCATION:  
ELECTION DISTRICT:  
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMP (degree slope)  
( ) NUMBER PARKING SPACES ( ) CURB CUTS  
( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO PLAZA PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #156-88 (BALTIMORE COUNTY BUILDING CODE).

X OTHER -

PERMITS MAY BE APPLIED FOR 0 ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

8/9/90  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 43, Zoning Advisory Committee Meeting of August 21, 1990

Property Owner: St. Charles Associates, Ltd.

Location: 700 E. Wilkins Ave., opposite Old Maidan, Chica Lane District: 1

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for new existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- (X) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any chabroiler generation which has a total cooking surface area of five (5) square feet or more.
- (X) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.  
( ) The results are valid until \_\_\_\_\_  
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others \_\_\_\_\_

BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 3, 1990

FROM: Robert V. Haining, P.E.

RE: Zoning Advisory Committee Meeting  
on August 31, 1990

The Development Engineering Division has reviewed the proposed zoning item and we have no comments for Item 43, 44 and 45.

Item 43, 44 and 45. A County Review Group Meeting is scheduled.

Item 43, 44 and 45. The previous County Review Group meeting still exists.

Item 43, 44 and 45. The sewer service to the basement of the house on this location does not appear to be feasible.

*Robert V. Haining*  
Robert V. Haining, P.E.  
Development Engineering Division

END

RONALD L. MAHER  
CARROLL HOLZER  
CAROL S. DEMILIO

LAW OFFICES  
HOLZER, MAHER & DEMILIO  
203 W. CHESAPEAKE AVENUE  
SUITE 402  
TOWSON, MARYLAND 21204  
(410) 822-4960  
FAX (410) 822-4964

WASHINGTON, D.C. OFFICE  
SUITE 700  
1220 PENNSYLVANIA STREET, N.W.  
WASHINGTON, D.C. 20006

91-85-SPHA

July 27, 1990  
#6521

Mr. James Dyer  
Zoning Office  
Baltimore County

RE: Charlestown

Dear Mr. Dyer:

John Ericson of Charlestown advised me that you had a meeting with him in regard to the Charlestown Project. I am also advised that he met with Mr. Haines. It is my understanding that Mr. Haines indicated that he will allow permits to be issued on this building if petitions are filed with your office.

I am leaving town for a weeks vacation and they asked me to file these with you today. I am inclosing the following documents.

- 1) three copies of Petition of Zoning variance.
- 2) Three copies of Petition for Special Hearing.
- 3) Twelve plats to accompy special hearing and variance.
- 4) Three Property descriptions.
- 5) A check payable to Baltimore County in the amount of Three Hundred and fifty dollars (\$350.00).

I would appreciate your having these Petitions filed in order to allow Mr. Haines to release the permit.

Jim Dyer  
July 27, 1990  
Page Two

After I return, I will meet with your office to correct and revise and any problems with the language on the Petition or the Plat.

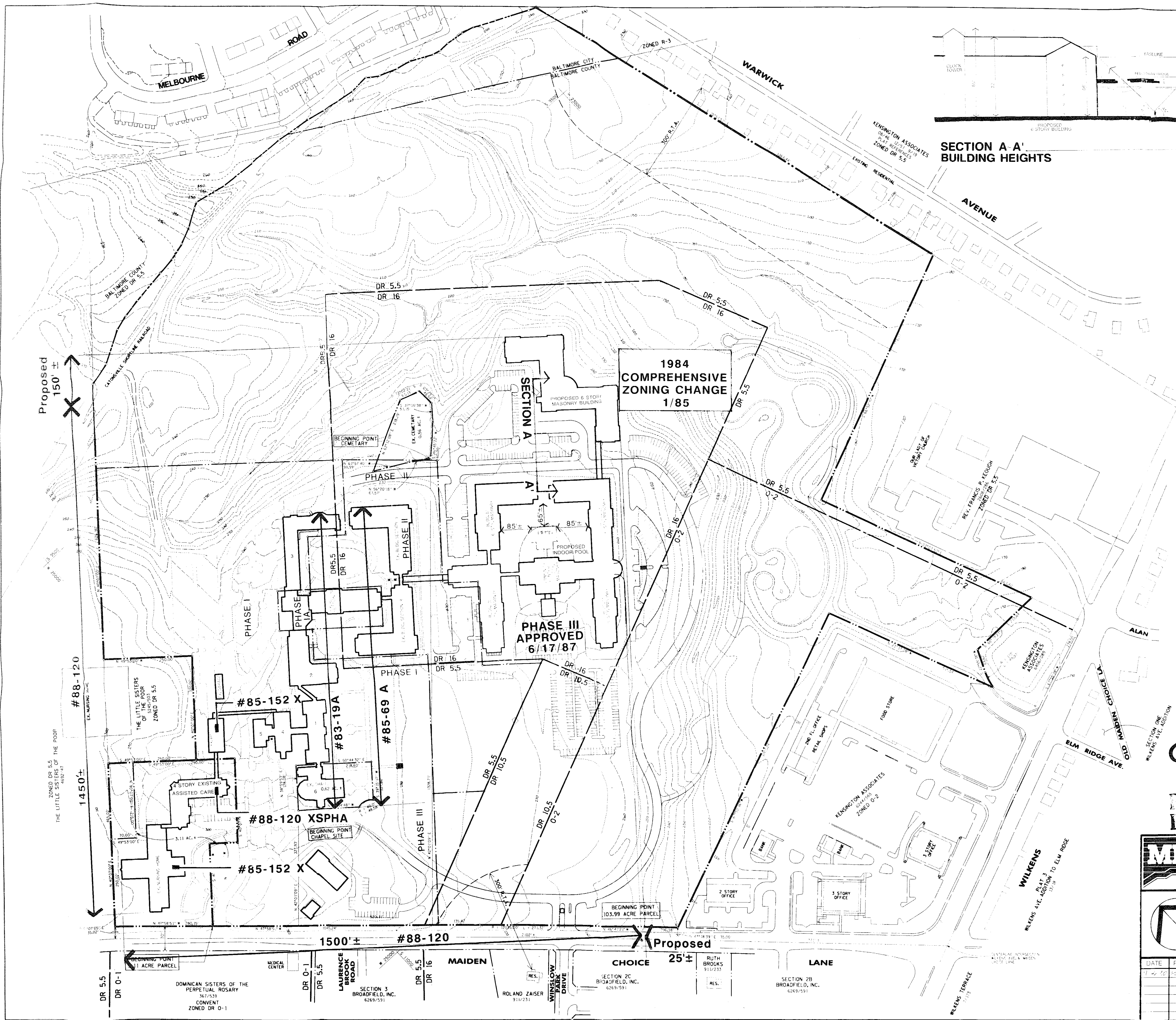
Thank you for your cooperation.

Very truly yours,

*Carroll Holzer*  
Carroll Holzer

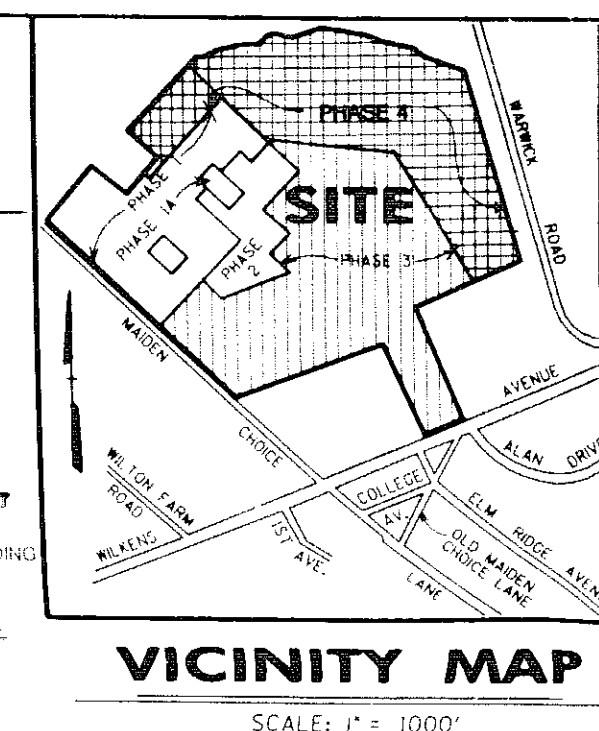
enclosure

JCH:kls



SECTION A-A'  
BUILDING HEIGHTS

NOT TO SCALE



# CHARLESTOWN ZONING HISTORY

10/15/84 - Case #83-19A - Variance granted for building width of 84', passageway width of 10' or 7' in lieu of the required 10', and building heights exceeding 30' for the following buildings: #1 (61.1'); #2 (54.7'); #6 (71.8'). The plan showed six (6) buildings in the original Phase I.

7/24/84 - CNG plan approved for Phases Ia, II, III and IV. Zoning at that time was DR 5.5, DR 16.5 and C-2.

10/22/84 - Zoning Case #85-69A - a variance to permit a building width of 85' was granted. (The 5/2/84 approved CNG plan was included as an Exhibit to this zoning case). The plan included Phase Ia (2 buildings); Phase II (2 buildings); Phase III (4 buildings); and Phase IV (1 nursing home building).

1/85 - 1984 Comprehensive Zoning map effective which changed the zoning. The DR 10.5 zoning was reduced for 9.9 acres (1.17 acres, and 21.4 acres of DR 16 zoning was added. The DR 5.5 zoning was reduced from 12.6 acres to 5.4 acres.

1/20/85 - Zoning Case #85-152A - A special exception for a 120-bed nursing home, a 10-unit assisted living facility, and a 20-unit dementia care facility were granted with the restrictions:

- 1) A detailed site plan reflecting the detailing the current zoning status and indicating that the zoning is sufficient to cover any and all development contemplated present or future shall be approved by the CNG.
- 2) The Special Exception must be utilized within five (5) years. Several site plans were included in the zoning file, the latest approved 2/5/85 by the County Zoning Commissioner showed the 1984 Comprehensive Zoning.

Plan of Charlestown II Phase I was approved by the County Review group on June 17, 1987.

This development plan complies with the CNG plans and all CNG comments.

The petition referenced in Note No. 11 was resolved as follows:

1. Case No. 88-120-SPHA was approved, in accordance with Subsection 1 and 2, allowing for an assisted care facility, reworking expansion of the site and building area from that previously granted in Case No. 85-152A; an amendment of previous plans submitted in Case No. 85-69A, 85-152A, and 85-152A up to building width and a maximum building width and length of 100 feet and 100 feet, respectively, in lieu of the previously granted 82 feet in Case No. 85-69A, and in lieu of the maximum permitted 80 building length.

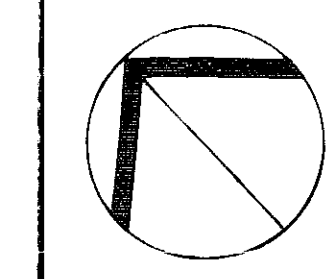
In addition to the above approval the Petitioner shall screen the landscape the property and set forth in the Landscape Plan Prepared by Morris & Ritchie Associates, Inc. dated April 13, 1988. Any landscaping and/or screening of the adjacent property shall take place only if the Petitioner obtains written permission from the Little Sisters of the Poor. If the Petitioner does not obtain authorization from them, the Petitioner shall landscape the property only and screening and landscaping shall be in accordance with the Baltimore County Landscaping Manual and approved by the Office of Current Planning and Development and 600'. No maintained and replaced as required. If by November 25, 1988 the developer has not reached an agreement with the Little Sisters of the Poor to plant trees on their property as shown in the Landscape Plan, then by April 13, 1988, then the same number of trees as shown in the Landscape Plan shall be substituted for the trees on the same position.

91-85-SPHA

PETITIONER'S  
EXHIBIT 1



MORRIS & RITCHIE ASSOCIATES, INC.  
139 N. Main Street, Suite 200  
Bel Air, Maryland 21014  
(301) 870-1600 • (301) 836-7560  
Fax: (301) 879-1620



PLAT TO ACCOMPANY  
SPECIAL HEARING AND VARIANCE  
CHARLESTOWN

DATE	REVISIONS	DATE	REVISIONS
1-10-85	1-10-85	1-10-85	1-10-85

9226

SCALE 1" = 100'

DATE 1/10/85

DRAWN BY

DESIGN BY

REVIEW BY

SHEET



